

EXHIBIT

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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

TRAVELERS CASUALTY AND SURETY COMPANY as
Administrator for RELIANCE INSURANCE COMPANY,

Plaintiff,

v.

THE DORMITORY AUTHORITY OF THE STATE OF
NEW YORK, TDX CONSTRUCTION CORP. and KOHN,
PEDERSON, FOX & ASSOCIATES, P.C.,

Defendants.

DORMITORY AUTHORITY OF THE STATE OF NEW
YORK,

Third-Party Plaintiff,

v.

TRATAROS CONSTRUCTION, INC. and TRAVELERS
CASUALTY AND SURETY COMPANY,

Third-Party Defendants

TRATAROS CONSTRUCTION, INC. and TRAVELERS
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs,

v.

G.M. CROSETTI, INC., CAROLINA CASUALTY
INSURANCE COMPANY, BARTEC INDUSTRIES INC.,
DAYTON SUPERIOR SPECIALTY CHEMICAL CORP.,
SPECIALTY CONSTRUCTION BRANDS, INC. t/a TEC,
KEMPER CASUALTY INSURANCE COMPANY d/b/a
KEMPER INSURANCE COMPANY, GREAT AMERICAN
INSURANCE COMPANY, NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA., UNITED
STATES FIRE INSURANCE COMPANY, ALLIED WORLD
ASSURANCE COMPANY (U.S.) INC. f/k/a COMMERCIAL
UNDERWRITERS INSURANCE COMPANY, ZURICH
AMERICAN INSURANCE COMPANY d/b/a ZURICH
INSURANCE COMPANY, OHIO CASUALTY
INSURANCE COMPANY d/b/a OHIO CASUALTY
GROUP, HARLEYSVILLE MUTUAL INSURANCE
COMPANY (a/k/a HARLEYSVILLE INSURANCE
COMPANY, an insurer for BARTEC INDUSTRIES INC.),
JOHN DOES 1-20, and XYZ CORPS. 1-12,

Fourth-Party Defendants.

Civil Action No.: 04 Civ. 5101 (HB)
ECF CASE

**DECLARATION OF
GUIDO WEBER IN
SUPPORT OF TRATAROS
CONSTRUCTION, INC.'S
AND TRAVELERS CASUALTY
AND SURETY COMPANY'S
OPPOSITION TO THE
CONSOLIDATED MOTION
TO DISMISS**

I, **GUIDO WEBER, ESQ.**, of full age, being duly sworn according to law, upon my oath depose and say:

1. I am associated with the law firm of Dreifuss Bonacci & Parker, LLP, attorneys for Plaintiff/Third-Party Defendant/Fourth-Party Plaintiff, Travelers Casualty and Surety Company (hereinafter "Travelers") and Third-Party Defendant/Fourth-Party Plaintiff, Trataros Construction, Inc. (hereinafter, "Trataros") in the within matter. I am admitted to practice law before the United States District Court for the Southern District of New York.

2. In January 2005, following an extensive review of Trataros' project records, as well as discovery obtained from G.M. Crocetti, Inc., and documents obtained from DASNY, I located a number of insurance certificates in the Trataros project records. It was unclear if these policies represented correct and/or complete information regarding Trataros' insurance coverage on the Baruch College project.

3. On December 2, 2004, this Court entered a pretrial scheduling order setting forth a deadline of February 17, 2005 for impleading additional parties into this litigation.

4. With the Federal Court's deadline for impleader looming, I contacted Allied North America Insurance Brokerage Corp. of New York ("Allied"), an entity identified on several certificates of insurance as a broker for Trataros.

5. On January 17, 2005, an individual from Allied contacted me in follow-up to my earlier telephone inquiry. I was advised that if I had a specific request for information, it must be sent to Allied via e-mail.

6. On January 22, 2005, I wrote an e-mail to my contact at Allied, indicating that he wished to obtain insurance certificates and policies issued to Trataros for the years 1999 to 2002.

7. After receiving no reply from Allied, I wrote a follow-up e-mail on February 4, 2005, inquiring as to the status of his request for policy information on Trataros. Allied replied that records needed to be pulled from storage, and that this may take approximately a week.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

/S/
GUIDO WEBER (GW:1692)